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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JANELLE STILLWELL,

Defendant and Appellant.

A104064

(Sonoma County  
Super. Ct. No. 32644)

Janelle Stillwell appeals after her guilty plea, conviction, and commitment to state prison. Appellant's court-appointed counsel has briefed no issues and asks this court to review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

**BACKGROUND**

The probation report filed prior to sentencing describes the underlying offense as follows: On October 17, 2002, appellant and two codefendants entered a family residence occupied by two parents and their three children, ages 12, 7, and 5 months. The family was held at gunpoint while the intruders demanded money and ransacked the residence. All of the defendants were armed, at least one with a shotgun; and appellant was armed with a handgun.

Appellant and two codefendants were jointly charged with multiple felony counts involving the robbery of an inhabited dwelling, enhanced by acting in concert with others (Pen. Code, §§ 211, 213, subd. (a)(1)(A)) and burglary of an inhabited dwelling (*id.*, § 459; further references are to the Penal Code unless otherwise specified). It was further

alleged that appellant personally used a firearm in the commission of these offenses (§§ 12022.5, subd. (a)(1), & 12022.53, subd. (b)).

Appellant pleaded guilty to a single charge of robbery and admitted the enhancement that she acted in concert with others. She also admitted probation violations in two other felony cases. The remaining counts and the firearm use enhancement were dismissed as to appellant. Appellant was referred to the Department of Corrections for a diagnostic report pursuant to section 1203.03.

Thereafter, appellant was sentenced to the aggravated term of nine years in state prison and ordered to pay a \$6,000 restitution fine (§ 1202.4, subd. (b)). She received 323 days of presentence custody credits and concurrent terms of two years were imposed for each of the probation violations. Appellant then filed this timely notice of appeal.

#### **DISCUSSION**

We have reviewed the entire record and find no arguable appellate issues. Appellant was represented by counsel throughout the proceedings and we discern no constitutional errors in connection with the change of plea and conviction.

We also discern no error in appellant's sentencing. The aggravated term was properly imposed in view of appellant's circumstances and the egregious nature of the offense. (Cal. Rules of Court, rule 4.421(b).) The court gave substantial and sufficient reasons for selecting the upper term. (See *People v. Scott* (1994) 9 Cal.4th 331, 349-351.) The presentence custody/conduct credits were properly calculated and awarded and the restitution fine and suspension was appropriate.

**DISPOSITION**

The judgment is affirmed.

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Lambden, J.

We concur:

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Kline, P. J.

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Ruvolo, J.